

**Nicholas Marritz**

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**From:** Nicholas Marritz  
**Sent:** Tuesday, June 07, 2016 2:22 PM  
**To:** 'attorneyhuh24@gmail.com'  
**Subject:** Claros v. Sweet Home - Responses to Plaintiffs' Discovery Requests

Dear Mr. Huh,

Plaintiffs served their first set of discovery requests on May 4, 2016. Under the Federal Rules, your discovery responses were required to be served within 30 days. See Fed. R. Civ. P. 33(b)(2) (interrogatories); Fed. R. Civ. P. 34(b)(2)(A) (requests for production of documents); Fed. R. Civ. P. 36(a)(3) (requests for admissions). Over 30 days have passed, and Plaintiffs have received no response to their discovery requests.

Please produce your clients' sworn responses to Plaintiffs' first set of discovery requests by Friday, June 10 at 10:00 a.m. Should the responses not be complete by that time, Plaintiffs will move the court to compel their production.

Sincerely,

**Nicholas Marritz, Staff Attorney**  
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## Nicholas Marritz

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**From:** Nicholas Marritz  
**Sent:** Tuesday, June 07, 2016 4:37 PM  
**To:** 'attorneyhuh24@gmail.com'  
**Subject:** Claros v. Sweet Home Improvements - recapping our call

Dear Mr. Huh,

Thank you for speaking with me on the phone just now. Just to recap our call, you told me that you are meeting with your client tomorrow about this and some other matters, and that you will respond to our discovery requests as soon as possible. I reiterated that your clients' responses are overdue, and that we will file a motion to compel if we have not received complete, sworn responses by Friday, June 10 at 10:00 a.m. Please advise if you are available for a motions hearing on June 17, in the event that I have to file such a motion this Friday.

Please tell me if you disagree or have a different understanding about any of the above.

Thank you,

**Nicholas Marritz, Staff Attorney**  
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## Nicholas Marritz

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**From:** Nicholas Marritz  
**Sent:** Friday, June 10, 2016 10:43 AM  
**To:** 'Attorney Huh'  
**Subject:** Sweet Home discovery responses

Jason,

I just called and left a message with your receptionist: as we discussed on Tuesday, your discovery responses in Sweet Home Improvements were due on Monday, June 6. We gave you additional time to serve responses. That time has now expired, and you have still not answered. Please advise as soon as possible whether you are going to provide complete, sworn discovery responses by two o'clock this afternoon today, or whether I need to file a motion to compel. If the latter, please let me know your availability for a hearing on Friday, June 17 on that motion.

Sincerely,

**Nicholas Marritz, Staff Attorney**  
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## Nicholas Marritz

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**From:** Nicholas Marritz  
**Sent:** Friday, June 10, 2016 3:35 PM  
**To:** 'Attorney Huh'  
**Subject:** Defendants' discovery responses

Jason:

I just got your voicemail. You stated that you thought you had until the end of the day on Friday to avoid our motion to compel; that you are meeting with your clients at 6:00 p.m. tonight in order to go over their discovery responses; and that you can get the final responses to us by Monday, if not over the weekend.

I think I made it pretty clear in my emails and our phone call when your discovery responses were due. But we will hold off on filing a motion to compel if you have the responses in my hands by 10:00 a.m. Monday morning. Otherwise, please make yourself available on June 24 for a hearing on a motion to compel.

**Nicholas Marritz, Staff Attorney**

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**Nicholas Marritz**

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**From:** Attorney Huh <attorneyhuh24@gmail.com>  
**Sent:** Friday, June 10, 2016 4:18 PM  
**To:** Nicholas Marritz  
**Subject:** Re: Defendants' discovery responses

Thank you. You will have our response by Monday.

Jason

JASON J. HUH, ESQ. 허진 변호사  
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On Fri, Jun 10, 2016 at 3:34 PM, Nicholas Marritz <[nicholas@justice4all.org](mailto:nicholas@justice4all.org)> wrote:

Jason:

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I think I made it pretty clear in my emails and our phone call when your discovery responses were due. But we will hold off on filing a motion to compel if you have the responses in my hands by 10:00 a.m. Monday morning. Otherwise, please make yourself available on June 24 for a hearing on a motion to compel.

**Nicholas Marritz, Staff Attorney**

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**Nicholas Marritz**

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**From:** Attorney Huh <attorneyhuh24@gmail.com>  
**Sent:** Monday, June 13, 2016 9:48 AM  
**To:** Nicholas Marritz  
**Subject:** Re: Defendants' discovery responses  
**Attachments:** H Andrade First Discovery Requestss (2016-05-04) Def Response.pdf; J Claros First Discovery Requestss (2016-05-04) - Def Answer.pdf; O Lopez First Discovery Requestss (2016-05-04) Def Answer.pdf; R Claros First Discovery Requestss (2016-05-04) - Def Answer.pdf; Doc Produced.pdf

Nicholas,

Attached please find discovery responses for Hector Andrade, Jose Claros, Roberto Claros, and Osbaldo Lopez. I'm still working on others but didn't want you to wait for these. Some information may be missing, especially regarding projects done by workers. As noted in the discovery responses, the problem with nailing down some of the information is that cancelled checks with payment information and dates are missing. I've asked my client to contact the bank (account currently closed) to see if they can obtain this information. Also, there is no 1099 because all but one worker, Hector Andrade, refused to provide their SSN and address.

I have to be somewhere between 10 and noon, but will try to get you the rest of the discovery by end of business today.

I will also forward our settlement offer in a separate email.

Jason

JASON J. HUH, ESQ. 허진 변호사  
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On Fri, Jun 10, 2016 at 3:34 PM, Nicholas Marritz <[nicholas@justice4all.org](mailto:nicholas@justice4all.org)> wrote:

Jason:

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I just got your voicemail. You stated that you thought you had until the end of the day on Friday to avoid our motion to compel; that you are meeting with your clients at 6:00 p.m. tonight in order to go over their discovery responses; and that you can get the final responses to us by Monday, if not over the weekend.

I think I made it pretty clear in my emails and our phone call when your discovery responses were due. But we will hold off on filing a motion to compel if you have the responses in my hands by 10:00 a.m. Monday morning. Otherwise, please make yourself available on June 24 for a hearing on a motion to compel.

**Nicholas Marritz, Staff Attorney**

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## Nicholas Marritz

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**From:** Nicholas Marritz  
**Sent:** Tuesday, June 14, 2016 7:22 PM  
**To:** 'Attorney Huh'  
**Subject:** Sweet Home: Memorializing today's meet-and-confer

Dear Jason,

Thank you for speaking with me this afternoon and conferring about your clients' discovery responses. This email will memorialize our call; please let me know immediately if you disagree with or have a different understanding about any part of it, or if I left anything out.

You have agreed to produce supplemented responses to our interrogatory requests, and our requests for production of documents, for all 6 Plaintiffs, by close-of-business on **Monday, June 20**. This is two weeks past the date that your responses were due under the Federal Rules, so we do insist that they be complete. Otherwise, Plaintiffs will move the court to compel complete responses, hearing to be held on Friday July 1.

You stated that Defendants are in the process of trying to obtain responsive documents and information relating to a bank account with BB&T Bank in Burke, Virginia, account number 151040470, which Defendants closed in December 2015. You estimated that it would take approximately 1 week for Defendants to get the records. And you agreed that, even if you have not received the records by Monday, June 20, Defendants will still produce complete supplemental responses to Plaintiffs' interrogatories and discovery requests, based on all information currently available to them, along with a statement of when they expect to obtain the documents related to this bank account. If you do so, Plaintiffs will forego filing a motion to compel so that counsel can confer about when Defendants will produce a second set of supplemented discovery requests that reflects the information and documents related to this bank account.

We also discussed the following matters:

### GENERAL MATTERS:

1. Defendants have thus far produced no responses to the May 4 discovery requests served by Plaintiffs Fredy Zamorano and Mario Herrera Macurán. You agreed to produce complete responses to those Plaintiffs' discovery requests.
2. You agreed to provide a "self-contained" answer to each of Plaintiffs' interrogatories, rather than refer to the answer to a different interrogatory.

### SPECIFIC MATTERS: INTERROGATORIES

#### Interrogatory 1:

- a. You agreed to provide a complete list of each Defendants' job duties.
- b. You agreed to state the nature of the change in Miae Koo's job duties that occurred in February 2016, and the reasons for the change.

#### Interrogatory 2:

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- a. You agreed to describe the change in Miae Koo's ownership interest in February 2016, and the reasons for the change.

**Interrogatory 3:**

- a. You agreed to describe all of Plaintiffs' and Defendants' communications with each other, at the time of hiring, about the terms and conditions of that Plaintiff's work with Sweet Home.
- b. You agreed to describe who was present at the hiring of José Claros, Osbaldo Lopez, and Hector Antonio Andrade.

**Interrogatory 4:**

- a. You agreed to provide the city/county and state where Roberto Claros and José Claros worked for "Mr. Martin";
- b. You agreed to provide the city/county and state of each location where Osbaldo Lopez and Hector Antonio Andrade did any work for Defendants;
- c. You agreed to provide the city/county and state at each Plaintiff worked at each location;
- d. You agreed to describe and promptly produce all documents that might assist your clients in answering this interrogatory in full, including but not limited to
  - i. Documents related to Defendants' now-closed BB&T bank account 151040470;
  - ii. Text messages or photographs from Defendants' cell phones; and
  - iii. Contracts between Defendants and the owner of the home where the work was being performed.
- e. You agreed to describe any lost documents in accordance with Plaintiff's Interrogatory 19 and Instruction 7.

**Interrogatory 5:**

- a. You agreed to address Roberto Claros and José Claros's assertion that, near during the last two weeks of their employment, their wage rates changed from an hourly wage to a daily wage of \$150 per day. (See ¶¶31 and 40 of Plaintiff's First Amended Complaint, ECF No. 5); when that change occurred; who authorized the change; and why the change occurred.

**Interrogatory 6:**

- a. You agreed to state your personal knowledge of each Plaintiff's start time, stop time, and break time each day that he did any work for you.

**Interrogatory 7:**

- a. You agreed to describe in detail
  - i. How you determined how many hours each Plaintiff worked on a given day or in a given week;
  - ii. How you determined how much pay that Plaintiff should receive as a result, including whether he should receive overtime compensation if he worked more than 40 hours in a week;
  - iii. If either of the above changed at any time during the Plaintiff's tenure at Sweet Home: when it changed; who changed it; and why it changed.
- b. You agreed to describe any lost documents in accordance with Plaintiff's Interrogatory 19 and Instruction 7.

**Interrogatory 8:**

- a. For each week that each Plaintiff worked for you, you agreed to state:
  - i. The actual gross pay he received for that week;
  - ii. The method of payment (e.g. check or cash);
  - iii. Any deductions from his pay, and the reasons for them;

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- iv. The people who participated in paying him; and
- v. Anyone who has knowledge about any of the above.

**Interrogatory 9:**

- a. You agreed to confirm whether Miae Koo had any paycheck-signing authority.

**Interrogatory 10:**

- a. You agreed to describe the nature of Myung Kwan Koo's authority to supervise or inspect the work done at Sweet Home job sites.

**Interrogatory 14:**

- a. You agreed to state whether there was an accountant or other third party with whom you have communicated about any of the Plaintiffs; their work (including their hours of work); their compensation; their termination or separation from work; this lawsuit; or the subject-matter of this lawsuit (including your pay practices in general).
- b. If so, you agreed to identify that person and to describe all such communications.

**Interrogatory 15:**

- a. You agreed to describe all communications that you have had with any Plaintiff about his compensation, at any time, including communications about pay that he claimed not to have received. That includes:
  - i. Where and when the communication took place;
  - ii. The nature of the communication; and
  - iii. Who was present.

**Interrogatory 18:**

- a. You agreed to confirm if there were any third parties (for example, an accountant) who might also have information relevant to the parties' claims or defenses.

**Interrogatory 19:**

- a. You agreed to identify and describe all lost or destroyed documents that would have been responded to Plaintiff's document requests, in conformity with this interrogatory, stating:
  - i. Its contents;
  - ii. Its author(s) and recipient(s);
  - iii. When it was created; and
  - iv. Why it no longer exists.
- b. You agreed to identify any persons who have any knowledge about the destruction or loss of any such document, and to state their knowledge of or involvement in its loss or destruction.

**SPECIFIC MATTERS: DOCUMENT REQUESTS**

**Document Request 1:**

- a. You agreed to identify and describe all lost or destroyed documents in conformity with Plaintiffs' Interrogatory 19 and Instruction 7.

- b. You agreed to search for the contracts you made with the property owners, identified in your answers to Interrogatory 16. You agreed to produce the contracts if they are responsive to any document request. You may redact the homeowner's personal information (street address, telephone number) if you wish.
- c. You agreed to produce responsive documents related to BB&T bank account number 151040470, as described in the third paragraph of this email.

**Document Request 6:**

- a. Your answer states that you provided all documents responsive to this request, but you in fact did not. You agreed to produce the responsive documents, including Defendants' annual reports.

**Document Request 7:**

- a. Your answer states that you provided all documents responsive to this request, but you in fact did not. You stated that you were aware of some responsive documents related to at least one government investigation or other action concerning workers' rights, and you agreed to produce those documents.

**Document Requests 8 and 17:**

- a. I clarified the distinction between these two document requests: Document Request 8 seeks documents related to any worker's discussions, inquiries, or "complaints" (in the non-legal sense) about whether he or she was being paid properly. Document Request 17 seeks documents regarding other wage-and-hour "complaints" in the legal sense, meaning complaints to a court, administrative agency, or other regulatory body. You agreed to produce documents responsive to both requests.

**Document Request 16:**

- a. I confirmed that Document Request means what it says: if there is a piece of paper or other document with a Plaintiff's name or other personal identifier on it, I want to see it. You started to raise a vagueness/overbreadth objection; I noted that the objection was untimely, but that our request was of course limited to documents relevant to any party's claim or defense (i.e., documents within the scope of discovery). You agreed to produce responsive documents.

Thank you, Jason, for a productive call, and I look forward to receiving your complete, sworn discovery responses by close of business on Monday, June 20.

Sincerely,

**Nicholas Marritz, Staff Attorney**  
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## Nicholas Marritz

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**From:** Nicholas Marritz  
**Sent:** Wednesday, June 15, 2016 12:30 PM  
**To:** 'Attorney Huh'  
**Subject:** Plaintiffs' Discovery Requests in Word  
**Attachments:** Roberto Claros's First Discovery Requests (2016-05-04).docx

Jason,

At your request, here is a Word version of Plaintiffs' First Set of Discovery Requests to All Defendants. (These are the requests of Roberto Claros, but you can easily switch out his name for that of the other five Plaintiffs).

**Nicholas Marritz, Staff Attorney**

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## Nicholas Marritz

---

**From:** Attorney Huh <attorneyhuh24@gmail.com>  
**Sent:** Wednesday, June 15, 2016 12:34 PM  
**To:** Nicholas Marritz  
**Subject:** Re: Plaintiffs' Discovery Requests in Word

Excellent. Thank you.

Jason

JASON J. HUH, ESQ. 허진 변호사  
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Jason,

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**Nicholas Marritz, Staff Attorney**

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